

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSHUA BRAUNDMEIER, and KEVIN
WALLACE, on behalf of himself and all others
similarly situated,

Plaintiffs,

v.

ANCESTRY.COM OPERATIONS INC., a
Virginia Corporation; ANCESTRY.COM INC., a
Delaware Corporation; ANCESTRY.COM LLC,
a Delaware Limited Liability Company,

Defendants.

Case No. 1:20-cv-07390

Judge Jeffrey I. Cummings

PLAINTIFFS' OPPOSED MOTION FOR CLASS CERTIFICATION

Plaintiffs Joshua Braundmeier and Kevin Wallace will and hereby do move for an Order certifying the following Class pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(2), and 23(b)(3), and, alternatively, certifying the Class with respect to certain issues pursuant to Rule 23(c)(4):

All persons: (1) who are Illinois residents or were Illinois residents at any time between December 14, 2019, and the present; (2) who are not paying subscribers, free trial users, or registered users of Ancestry.com and have never donated a yearbook to Ancestry; and (3) whose names and yearbook photographs are or were searchable on the Ancestry.com website, where at least one such yearbook photograph became searchable for the first time on or after December 14, 2019.

Plaintiffs further request the Order appoint them as Class Representatives and appoint Morgan & Morgan LLP, Turke & Strauss LLP, and the Law Office of Benjamin R. Osborn as Class Counsel.

In support of this Motion, Plaintiffs refer to the Memorandum of Points and Authorities below, and the accompanying declarations of Michael Naaman, Brandon Schwartz, Michael F.

Ram, Raina C. Borrelli, Benjamin R. Osborn, Joshua Braundmeier, and Kevin Wallace, and the accompanying Proposed Order Granting Class Certification.

Defendants oppose this motion. A briefing schedule was previously set by the Court, with Defendants' response due on February 14, 2024, and Plaintiffs' reply due on March 14, 2024 (Doc. No. 153).

Dated: December 14, 2023

Respectfully Submitted,

By: /s/ Raina C. Borrelli

Raina C. Borrelli
Samuel J. Strauss
TURKE & STRAUSS LLP
613 Williamson St., Suite 201
Madison, WI 53703
Telephone: (608) 237-1775
Facsimile: (608) 509-4423
raina@turkestrauss.com
sam@turkestrauss.com

Benjamin R. Osborn (*pro hac vice*)
LAW OFFICE OF BENJAMIN R. OSBORN
102 Bergen Street
Brooklyn, NY 11201
Telephone: (347) 645-0464
ben@benosbornlaw.com

Michael F. Ram (*pro hac vice*)
Marie N. Appel (*pro hac vice*)
MORGAN & MORGAN
COMPLEX LITIGATION GROUP
711 Van Ness Avenue, Suite 500
San Francisco, CA 94102
Telephone: (415) 358-6913
Facsimile: (415) 358-6923
mram@forthepeople.com
mappel@forthepeople.com

Attorneys for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I, Raina C. Borrelli, hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record via the ECF system.

DATED this 14th day of December, 2023.

TURKE & STRAUSS LLP

By: /s/ Raina C. Borrelli
Raina C. Borrelli
raina@turkestrauss.com
TURKE & STRAUSS LLP
613 Williamson St., Suite 201
Madison, WI 53703
Telephone: (608) 237-1775
Facsimile: (608) 509-4423